Remarks

Currently Claims 20-114 are pending.

Restriction Requirement Traversed

According to the Office Action, claims 20-114 are subject to Restriction under 35 U.S.C. 372 and 121, as follows:

- Examiner's Group I: claims 20-49, 54-63, 68-69, 74-80, 85-86, 91-98, 101-103 and 106-114 drawn to compounds, compositions and uses and a process
- Examiner's Group II: claim 38 drawn to an additional process
- Examiner's Group III: claims 50-53 drawn to uses employing compounds of formula (I) and additional ingredients
- Examiner's Group IV: claims 64-67, 70-73, drawn to additional use employing compounds of formula (I) and additional ingredients
- Examiner's Group V: claims 81-84 and 87-90, drawn to additional use employing compounds of formula (I) additional ingredients
- Examiner's Group VI: claims 99-100, 104-105, drawn to additional use employing compounds of formula (I) additional ingredients

Applicants respectfully traverse this rejection with respect to the Examiner's groups I, III, IV, V and VI. Applicants respectfully submit that unity of invention exists between the claims of Examiner's groups I, III, IV, V and VI pursuant to PCT Rule 13.2. Pursuant to PCT Rule 13.2, the unity of invention requirement is fulfilled if there is a technical relationship among the inventions involving one or more of the same or corresponding special technical features. A "special technical feature" is a technical feature which defines a contribution which each of the claimed inventions makes over the prior art. The claims of Examiner's Groups I, III, IV, V and VI all share a special technical feature, namely the compounds of formula (I), which define a contribution over the prior art.

The claims of Examiner's group I include claims to compounds of formula (I), compositions, a process, methods for the treatment of a depressive state, methods for the treatment of anxiety, methods for the treatment of panic disorder, and methods

for the treatment of a gastrointestinal disorder all involving administration of a compound of formula (I). The claims of Examiner's group III are directed again toward the same methods for treatment of a depressive state using a compound of formula (I) and a further active agent. The compounds of formula (I) are the special technical feature common to both sets of claims.

The claims of Examiner's group IV are directed again toward methods for the treatment of anxiety (the same method recited in claims included in Examiner's group I), using a compound of formula (I) and a further active agent. The common special technical feature between the claims of the Examiner's group I and group IV is the compounds of formula (I).

The claims of the Examiner's group V are directed again toward methods for the treatment of panic disorder (the same methods recited in claims included in Examiner's group I) using a compound of formula (I) and a further active agent. The common special technical feature is again compounds of formula (I).

The claims of Examiner's group VI are directed again toward methods for the treatment of a gastrointestinal disorder (the same methods recited in claims included in Examiner's group I) using a compound of formula (I) and a further active agent. The common special technical feature is again compounds of formula (I).

The fact that claims 50-53, 64-67, 70-73, 81-84 and 87-90, 99-100 and 104-105 include the additional element of further administering an active ingredient in addition to the compound of formula (I) does not negate the common special technical feature shared between the claims of Group I and these claims. The element of a compound of formula (I) is present in and common to all claims and accordingly the claims of Examiner's Groups I, III, IV, V and VI meet the requirements of unity of invention pursuant to PCT Rule 13.2. The restriction between Examiner's group I, III, IV, V and VI is improper and withdrawal is respectfully requested. Should the restriction of Groups I, III, VI, V and VI maintained the Examiner is requested to provide a detailed explanation justifying the restriction in view of Applicants'

comments above in order to enable Applicants to file a petition for reconsideration pursuant to 37 CFR 1.143.

Subject to the foregoing traversal and solely for the purpose of presenting a complete reply to the outstanding Office Action, Applicants hereby elect the claims of the Examiner's group I (claims 20-49, 54-63, 68-69, 74-80, 85-86, 91-98, 101-103 and 106-114) for examination on the merits.

Election of Species Requirement Traversed

Applicants further respectfully traverse the Examiner's requirement for an election of species within Group I. The Office Action provides absolutely no basis for the requirement of an election of species. The election requirement is *prime facie* improper in the instant case as the Examiner has failed to provide any reason under 37 CFR 1.146 why an election is required. Accordingly, withdrawal of this requirement is requested. Should this requirement be maintained the Examiner is requested to provide a detailed explanation of the justification for this requirement in order to enable Applicants to file a petition for reconsideration pursuant to 37 CFR 1.143.

Subject to the foregoing traversal and solely for the purpose of presenting a complete reply to the outstanding Office Action, Applicants hereby elect the species recited in claim 32.

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Applicants respectfully submit that the instant application is in condition for substantive examination, which action is respectfully requested. The Examiner is invited to contact the undersigned at 483-8222, to discuss this case, if desired.

Respectfully submitted,

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